

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Caballero

February 26, 2009

An act to amend Sections 25124 and 36933 of the Government Code, relating to ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Caballero. County and city ordinances: publishing and posting requirements.

(1) Existing law requires the county board of supervisors, within 15 days after the passage of an ordinance by the board, to cause the ordinance to be published, with the names of those members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the county, as specified.

This bill would authorize the county board of supervisors to either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the county and ~~to mail notice of passage of the ordinance to those who have filed written requests for mailed notice~~ *provide a copy of the notice of adoption of the ordinance upon written request of any person*, as specified.

(2) Existing law requires the city clerk, within 15 days after the passage of an ordinance by the city council, to cause the ordinance to be published, with the names of those city council members voting for

and against the ordinance, in a newspaper of general circulation published and circulated in the city, as specified.

This bill would authorize the city clerk to either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the city and ~~to mail notice of passage of the ordinance to those who have filed written requests for mailed notice~~ *provide a copy of the notice of adoption of the ordinance upon written request of any person,* as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25124 of the Government Code is
2 amended to read:

3 25124. (a) Except as provided in subdivision (d), before the
4 expiration of 15 days after the passage of an ordinance the county
5 board of supervisors shall do one of the following:

6 (1) Publish the ordinance once, with the names of the members
7 voting for and against the ordinance, in a newspaper published in
8 the county if there is one, and if there is no newspaper published
9 in the county, the ordinance shall be posted in a prominent location
10 at the board of supervisors' chambers within the 15-day period
11 and remain posted thereafter for at least one week.

12 (2) Post the ordinance, with the names of those members of the
13 board of supervisors voting for and against the ordinance, on an
14 official Internet Web site of the county, and provide a copy of the
15 notice of adoption of the ordinance upon written request of any
16 person in the manner described in Section 54954.1. *If a county*
17 *board of supervisors chooses to post an ordinance pursuant to*
18 *this paragraph, the county board of supervisors shall post a legal*
19 *advertisement in a newspaper of general circulation at least once*
20 *a week for four consecutive weeks that provides notice that as of*
21 *the date specified all approved ordinances will be available for*
22 *review on the county's official Internet Web site and will no longer*
23 *be printed in the newspaper. The notice in the legal advertisement*
24 *shall include the Internet Web site address where the ordinances*
25 *can be found and information on how a mailed copy of the*
26 *ordinances may be obtained.*

(b) The local agency, at its option, may include in an ordinance reclassifying land either a brief description accompanied by a map of the boundaries of the property, as recited in the notice of hearing, or a complete metes and bounds description accompanied by a map depicting the reclassified property and adjacent properties. Except for maps, any exhibit attached to and incorporated by reference in an ordinance need not be published in its entirety if the publication lists all those exhibits by title or description and includes a notation that a complete copy of each exhibit is on file with the clerk of the board of supervisors and is available for public inspection and copying in that office in accordance with the California Public Records Act, Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1. A certificate of the clerk of the board of supervisors or order entered in the minutes of the board that the ordinance has been duly published or posted is prima facie proof of the publication or posting.

(c) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The county board of supervisors may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. The summary shall be prepared by an official designated by the board of supervisors. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the clerk of the board of supervisors at least five days prior to the board of supervisors meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board of supervisors shall publish a summary of the ordinance or amendment with the names of those supervisors voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk of the board of supervisors a certified copy of the full text of the adopted ordinance or amendment along with the names of those supervisors voting for and against the ordinance or amendment.

(2) If the county official designated by the board of supervisors determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the board of supervisors so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the county shall be published at least five days prior

1 to the board of supervisors meeting at which the proposed
2 ordinance or amendment or alteration thereto is to be adopted.
3 Within 15 days after adoption of the ordinance or amendment, a
4 display advertisement of at least one-quarter of a page shall be
5 published. The advertisement shall indicate the general nature of,
6 and provide information about, the proposed or adopted ordinance
7 or amendment, including information sufficient to enable the public
8 to obtain copies of the complete text of such ordinance or
9 amendment, and the names of those supervisors voting for and
10 against the ordinance or amendment.

11 (d) If the clerk of the board of supervisors fails to publish an
12 ordinance within 15 days after the date of adoption, the ordinance
13 shall not take effect until 30 days after the date of publication.

14 SEC. 2. Section 36933 of the Government Code is amended
15 to read:

16 36933. (a) (1) Within 15 days after its passage, the city clerk
17 shall do either of the following:

18 (A) Cause each ordinance to be published at least once, with
19 the names of those city council members voting for and against
20 the ordinance, in a newspaper of general circulation published and
21 circulated in the city, or if there is none, he or she shall cause it to
22 be posted in at least three public places in the city or published in
23 a newspaper of general circulation printed and published in the
24 county and circulated in the city.

25 (B) Post the ordinance, with the names of those city council
26 members voting for and against the ordinance, on the city's official
27 Internet Web site and ~~mail notice of passage of the ordinance to~~
28 ~~those who have filed a written request for mailed notices. Any~~
29 ~~written request for mailed notices shall be valid for one year from~~
30 ~~the date on which it was filed unless a renewal request is filed.~~
31 ~~Renewal requests for mailed notices shall be filed on or before~~
32 ~~April 1 of each year.~~ *provide a copy of the notice of adoption of*
33 *the ordinance upon written request of any person in the manner*
34 *described in Section 54954.1. If a city clerk chooses to post an*
35 *ordinance pursuant to this paragraph, the city clerk shall post a*
36 *legal advertisement in a newspaper of general circulation at least*
37 *once a week for four consecutive weeks that provides notice that*
38 *as of the date specified all approved ordinances will be available*
39 *for review on the city's official Internet Web site and will no longer*
40 *be printed in the newspaper. The notice in the legal advertisement*

1 *shall include the Internet Web site address where the ordinances*
2 *can be found and information on how a mailed copy of the*
3 *ordinances may be obtained.*

4 (2) In cities incorporated less than one year, the city council
5 may determine whether ordinances are to be published or posted.
6 Ordinances shall not be published in a newspaper if the charge
7 exceeds the customary rate charged by the newspaper for
8 publication of private legal notices, but these ordinances shall be
9 posted in the manner and at the time required by this section.

10 (b) Except as provided in Section 36937, an ordinance shall not
11 take effect or be valid unless it is published or posted in
12 substantially the manner and at the time required by this section.

13 (c) The publication or posting of ordinances, as required by
14 subdivision (a), may be satisfied by either of the following actions:

15 (1) The city council may publish a summary of a proposed
16 ordinance or proposed amendment to an existing ordinance. The
17 summary shall be prepared by an official designated by the city
18 council. A summary shall be published and a certified copy of the
19 full text of the proposed ordinance or proposed amendment shall
20 be posted in the office of the city clerk at least five days prior to
21 the city council meeting at which the proposed ordinance or
22 amendment or alteration thereto is to be adopted. Within 15 days
23 after adoption of the ordinance or amendment, the city council
24 shall publish a summary of the ordinance or amendment with the
25 names of those city council members voting for and against the
26 ordinance or amendment, and the city clerk shall post in the office
27 of the city clerk a certified copy of the full text of the adopted
28 ordinance or amendment along with the names of those city council
29 members voting for and against the ordinance or amendment; or

30 (2) If the city official designated by the city council determines
31 that it is not feasible to prepare a fair and adequate summary of
32 the proposed or adopted ordinance or amendment, and if the city
33 council so orders, a display advertisement of at least one-quarter
34 of a page in a newspaper of general circulation in the city shall be
35 published at least five days prior to the city council meeting at
36 which the proposed ordinance or amendment or alteration thereto
37 is to be adopted. Within 15 days after adoption of the ordinance
38 or amendment, a display advertisement of at least one-quarter of
39 a page shall be published. The advertisement shall indicate the
40 general nature of, and provide information about, the proposed or

1 adopted ordinance or amendment, including information sufficient
2 to enable the public to obtain copies of the complete text of the
3 ordinance or amendment, and the names of those city council
4 members voting for and against the ordinance or amendment.

5 (d) (1) Any member of the public may file with the city clerk,
6 or any other person designated by the governing body to receive
7 these requests, a request for notice of specific proposed ordinances
8 or proposed amendments to ordinances.

9 (2) Notice pursuant to paragraph (1) shall be mailed or otherwise
10 transmitted at least five days before the council is scheduled to
11 take action on the proposed ordinances or proposed amendments
12 to an ordinance. Notice may be given by written notice properly
13 mailed or by e-mail if the requesting member of the public provides
14 an e-mail address. Notice may be in the form specified in either
15 paragraph (1) or (2) of subdivision (c), as determined by the city
16 council.

17 (3) As an alternative to providing notice as requested of specific
18 proposed ordinances or proposed amendments to ordinances, the
19 city clerk, or other person designated by the governing body, may
20 place the requesting member of the public on a general mailing
21 list that gives timely notice of all governing body public meetings
22 at which proposed ordinances or proposed amendments to
23 ordinances may be heard, as provided in Section 54954.1. If this
24 alternative is selected, the requesting member of the public shall
25 be so advised.

26 (4) The city may charge a fee that is reasonably related to the
27 costs of providing notice pursuant to this subdivision. The city
28 may require each request to be annually renewed.

29 (5) Failure of the requesting person to receive the information
30 pursuant to this subdivision shall not constitute grounds for any
31 court to invalidate an otherwise properly adopted ordinance or
32 amendment to an ordinance.